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Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

AVIATION BADGES

Paragraph (i) of § 79.54[1] is hereby amended and paragraphs (j), (k), (l), and (m) are added as follows:

§ 79.54 *Badges, aviation.* * * *

(i) *Service pilot.* At the center of the wings, the letter "S" in clear relief against a horizontally lined background on the outline of the shield of the United States.

(j) *Glider pilot.* At the center of the wings, the letter "G" in clear relief against a horizontally lined background on the outline of the shield of the United States.

(k) *Liaison pilot.* At the center of the wings, the letter "L" in clear relief against a horizontally lined background on the outline of the shield of the United States.

(l) *Bombardier.* At the center of the wings, a drop bomb, point down, superimposed on a circular target.

(m) *Navigator.* At the center of the wings, an artillery sphere superimposed on a horizontally lined background.

(R.S. 1296; 10 U.S.C. 1391) [Par. 54, AR 600-35, November 10, 1941, as amended by Circular No. 264, W.D., 1941 and Cir. 188, W.D., June 13, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-5854; Filed, June 23, 1942; 10:00 a. m.]

[1] 7 F.R. 19, 2863.

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 71]

PART 402—LOAN SERVICE DIVISION

PART 405—RECONDITIONING SECTION

APPOINTMENT OF DEPUTIES

AMENDMENT OF EFFECTIVE DATE

Doc. 42-5690 published June 19, 1942 on pages 4565-4566 indicates the effective date for amendment to § 402.01 (a) and § 405.01 as June 1, 1942. This effective date is incorrect, due to typographical error, and in order to conform with the original bulletin from which certification was made to the FEDERAL REGISTER the effective date is hereby corrected to be June 12, 1942.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42-5853; Filed, June 23, 1942; 9:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5155]

Subchapter C—Miscellaneous Excise Taxes

PART 182—INDUSTRIAL ALCOHOL

CERTAIN EXCEPTIONS

By virtue of and pursuant to sections 3105, 3124 (a) (6), and 3176 of the Internal Revenue Code, Regulations 3, revised, effective June 4, 1942, is hereby amended as follows:

Section 182.2[1] is amended by adding at the end thereof a new paragraph, reading as follows:

[1] 7 F.R. 1864.

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FEDERAL REGISTER

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§ 182.2 *Effective date.* * * *

(a) *Exception.* Treasury Decisions Nos. 5065[2] (uncodified), 5075[3] (uncodified), 5108[4] (uncodified), 5111[5] (uncodified), 5121[6] (26 CFR, Part 171, Subpart H), and 5132[7] (26 CFR, Part 171, Subpart I), shall continue in full force and effect, according to the terms thereof, on and after the effective date of these regulations. (Secs. 3105, 3124 (a) (6), 3176, I. R. C.)

Section 182.800[8] is amended by adding at the end thereof a new paragraph, reading as follows:

§ 182.800 *Containers in excess of 5 gallons.* * * *

(a) *Exception.* The provisions of Treasury Decisions Nos. 5065 and 5075 are hereby extended to containers of proprietary anti-freeze preparations made with completely denatured alcohol. (Secs. 3070, 3105, 3124 (a) (6), 3176, I. R. C.)

Section 182.847 (a)[9] is amended by adding at the end thereof a new paragraph, reading as follows:

§ 182.847 *Containers.* * * *

(a) *Embossed symbols.* * * *

(1) *Exception.* The provisions of Treasury Decisions Nos. 5065 and 5075 are hereby extended to containers of lacquer thinners.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: June 20, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-5849; Filed, June 22, 1942; 3:33 p. m.]

[2] 6 F.R. 4564.
[3] 6 F.R. 5087.
[4] 7 F.R. 381.
[5] 7 F.R. 742.
[6] 7 F.R. 1668.
[7] 7 F.R. 2572.
[8] 7 F.R. 1951.
[9] 7 F.R. 1956.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1455]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 4.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4; and

It appearing that in the Order of May 7, 1942, 7 F.R. 3844, in Docket No. A-1420, the Hoy No. 2 Mine, Mine Index No. 401, of William Hoy, a code member in District No. 4, was shown as located in Subdistrict No. 5, and that this mine is, in fact, located in Subdistrict No. 6, and that the price classifications and minimum prices heretofore established by the said Order should be revoked and in lieu thereof price classifications and minimum prices should be established, as hereinafter set forth, showing the said mine as located in Subdistrict No. 6.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–IV, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R–V, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith the shipping point of Hobson, Ohio, on the New York Central Railroad and Freight Origin Group No. 25 are effective for Mine

Index No. 1312 in place of the shipping point of Pomeroy, Ohio, on the Chesapeake & Ohio Railway and Freight Origin Group No. 23 heretofore assigned to this mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: June 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos.											
									1	2	3	4	5	6	7	8	9	10	11	12
339	Angelo, Felix	Blue Diamond	6	7	Strip	Zanesville	PRR	34	Q	Q	Q	Q	Q	Q	QQ	Q	QQ	QQ	----	QQQ
405	B. H. S. Coal Co. (C. M. Bethel)	B. H. S.	7	4	Strip	McArthur	C&O	43	K	K	Q	Q	Q	Q	QQ	QQ	QQ	QQ	----	QQQ
412	Blue Crystal Mine (W. Harrington, Chas. H. Atha & Thomas W. Lee).	Blue Crystal #4	4	7	Strip	Killbuck	PRR	56	Q	Q	Q	Q	Q	Q	QQ	QQ	QQQ	QQQ	----	QQQ
3026	Cartwright, Roy	R. C.	7	7	Strip	Buckeye Branch (Wellston)	B&O	41	K	K	Q	Q	Q	Q	Q	Q	Q	Q	----	QQQ
881	Garrett Coal Company	Sycamore	6	6	Deep	So. Zanesville	NYC	32	Q	Q	Q	Q	Q	Q	QQ	QQ	QQQ	----	----	----
2489	Hammond & Sons, O. O. (O. O. Hammond).	No. 200	1	8	Deep	Short Creek (Adena)	WLE	18	Q	Q	Q	Q	Q	Q	Q	Q	Q	----	----	QQQ
491	Hoy, Wm.[1]	Hoy No. 2	6	6	Deep	Shawnee	NYC	27	Q	Q	Q	Q	Q	Q	Q	Q	Q	----	----	QQQ
562	Jones, William L. (William L. Jones Coal)	Schramm's Run	1	8	Deep	Bridgeport	B&O	12	Q	Q	Q	Q	Q	Q	Q	Q	QQ	----	----	----
406	Laughlin & McNalley Coal Co., c/o J. G. Laughlin.	Seeman	4	5 & 6	Strip	Sandyville	B&O	51	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	----	QQQ
408	Rice Brothers Coal Company (E. J. Rice)	Rice Bros. #1	1	8	Strip	Flushing	B&O	12	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	----	QQQ
417	Sharratt Coal Co.[2]	Blackbird #3	2	7	Deep	Cambridge	PRR	16	R	R	R	Q	Q	Q	Q	Q	Q	----	----	----
420	Sherrick Coal Company (W. F. Sherrick, Jr.).	Sherrick No. 2	6	6	Deep	McLuney	PRR	34	Q	Q	Q	Q	Q	Q	Q	Q	Q	----	----	----
419	Thomas Fork Coal Co. (R. T. West)	#7A	8	8A	Deep	Hobson	NYC	25	K	K	Q	Q	Q	Q	Q	Q	Q	----	----	Q

[1] Erroneously listed in Sub-District No. 5 instead of Sub-District No. 6 in Docket No. A–1420.
[2] Subject to Exception No. 4, § 324.1 (b).

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Sub-district No.
339	Blue Diamond	Angelo, Felix	Crooksville	34	PRR	6
401	Hoy No. 2	Hoy, Wm	Hocking	27	NYC	6
405	B. H. S	B. H. S. Coal Co. (C. M. Bethel)	Jackson	43	C&O	7
406	Seeman	Laughlin & McNalley Coal Co., c/o J. G. Laughlin.	Middle	51	B&O	4
408	Rice Bros. #1	Rice Brothers Coal Company (E. J. Rice)	Ohio No. 8	12	B&O	1
412	Blue Crystal #4	Blue Crystal Mine (W. Harrington, Chas. H. Atha & Thomas W. Lee).	Middle	53	PRR	4
417	Blackbird #3	Sharratt Coal Co	Cambridge	16	PRR	2
419	#7A	Thomas Fork Coal Co. (R. T. West)	Pomeroy	25	NYC	8
420	Sherrick No. 2	Sherrick Coal Company (W. F. Sherrick, Jr.).	Crooksville	34	PRR	6
562	Schramm's Run	Jones, William L. (William L. Jones Coal)	Ohio No. 8	12	B&O	1
881	Sycamore	Garrett Coal Company	Crooksville	32	NYC	6
2489	No. 200	Hammond & Sons, O. O. (O. O. Hammond).	Ohio No. 8	18	WLE	1
3026	R. C	Cartwright, Roy	Jackson	41	B&O	7

§ 324.2 *Seasonal discounts*—Supplement R–III

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin Group Nos.	Additional freight Origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of—				
					Apr.	May	June	July	Aug.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	562, 2489	30	20	10	----	----
	12, 14, 17, 18		12, 16, 37, 45, 68, 92, 119, 161	408	30	20	10	----	----
Cambridge	16		11, 169	417	30	20	10	----	----
Hocking	26, 27		83, 141	401	30	20	10	----	----
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	419	50	40	30	20	10
Crooksville	31, 32	Add 34	8, 97	339	30	20	10	----	----
	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	420, 881	30	20	10	----	----
Jackson	41	Add 43	25	405, 3026	50	40	30	20	10
Middle	52	Add 51–53	13, 108	406, 412	30	20	10	----	----

NOTE: Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R–IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—see Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b), § 324.11 (c), and vessel fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index numbers
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	562, 2489
	12, 14, 17, 18		12, 16, 37, 45, 68, 92, 119, 161	408
Cambridge	16		11, 169	417
	16		11, 169 (Subject to Exception No. 4, Page 3).	417
Hocking	26, 27		83, 141	401
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113	419
Crooksville	31, 32	Add 34	8, 97	339
	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	420, 881
Jackson	41	Add 43	25	405, 3026
Middle	52	Add 51–53	13, 108	406, 412

NOTE: Prices as shown in §§ 324.9, 324.10, 324.11 (b), 324.11 (c), 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—see schedule of effective minimum prices, § 324.11 (a)]

Name of railroad	Mine index No.	Additional mine index Nos.
Baltimore & Ohio Railroad Co	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162.	562
	8, 25, 133, 153, 161	406, 408, 3026
Chesapeake & Ohio Railway Co		[1] 405
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	401, 419, 881
Pennsylvania Railroad Co	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169.	417, 420
	166	339, 412
Wheeling & Lake Erie Railway Co	9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 135, 145, 154, 157, 164	2489

[1] Prices for Mine Index No. 405 shall be those prices appearing in § 324.11 (a) in the Schedule of Effective Minimum Prices, less 10¢ per ton, and in addition thereto, the price in Size Group 10 shall be the same as the applicable minimum price for its Size Group 8.

NOTE: Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V—Continued

Name of railroad	Mine index No.	Additional mine index Nos.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit & Toledo Shore Line Railroad Co. Erie Railroad Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.). Pere Marquette Railway Co.	From all mine index Nos. except those shown below	401, 417, 419, 420, 562, 881, 2489.
	From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	339, 405, 406, 408, 412, 3026.
For all Railroads not shown above	From all mine index Nos. except those shown below	401, 417, 419, 420, 562, 881, 2489.
	From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	339, 405, 406, 408, 412, 3026.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes							
				6" lump	3", 4", 5" lump	2" lump	2" x 2" egg, 2" x 3" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 1—EASTERN OHIO											
BELMONT COUNTY											
Rice Brothers Coal Company (E. J. Rice)	Rice Bros. #1	408	(S) 8	275	265	250	225	220	210	190	180
JEFFERSON COUNTY											
Moore, James A	Sugar Hollow	392	(D) 8	285	275	260	235	230	220	200	190
SUB-DISTRICT NO. 2—CAMBRIDGE											
GUERNSEY COUNTY											
Sharratt Coal Co	Blackbird #3	417	(D) 7	270	260	245	220	220	220	200	190
SUB-DISTRICT NO. 3—BERGHOLZ											
JEFFERSON COUNTY											
Howes & Farrell, Inc., c/o L. W. Russell	No. 1	398	(S) Freeport	275	265	250	225	220	210	190	180
Klemann, J. J. (Bergholz Coal Co.)	Klemann	3023	(D) 6	285	275	260	235	230	220	200	190
SUB-DISTRICT NO. 4—MIDDLE											
CARROLL COUNTY											
Laughlin & McNalley Coal Co., c/o J. C. Laughlin	Seeman	406	(S) 5 and 6	275	265	250	235	235	220	190	180

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes							
				6" lump	3", 4", 5" lump	2" lump	2" x 2" egg, 2" x 3" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 4—MIDDLE—Con.											
COLUMBIANA COUNTY											
Shepherd Coal Co. (Edward Shepherd)	Shepherds	400	(D) 3	300	290	275	250	245	235	205	195
Whitla, W. J	Applegate	416	(D) Block	300	290	275	250	245	235	205	195
COSHOCTON COUNTY											
Blue Crystal Mine (W. Harrington, Chas. H. Atha & Thomas W. Lee)	Blue Crystal #4	412	(S) 7	280	270	260	235	230	195	165	155
Lewis, James F	Lewis	403	(D) 6	280	270	260	235	230	195	165	155
Low Gap Coal Co. (E. J. Sharrock)	Low Gap	3028	(D) 6	280	270	260	235	230	195	165	155
Maple, David	Bluck	402	(D) 6	280	270	260	235	230	195	165	155
Peters, Walter	Peters	3030	(D) 6	280	270	260	235	230	195	165	155
Sharrock, William	Sharrock	3025	(D) 6	280	270	260	235	230	195	165	155
Stonebrook, Jacob	Stonebrook #1	3027	(D) 6	280	270	260	235	230	195	165	155
SUB-DISTRICT NO. 5—HOCKING											
PERRY COUNTY											
Arkley, Andy	Arkley Bros	369	(D) 6	295	285	275	250	245	195	165	155
Arkley, Andy	Arkley No. 2	370	(D) 6	295	285	275	250	245	195	165	155
SUB-DISTRICT NO. 6—CROOKSVILLE											
MUSKINGUM COUNTY											
Fliger, D. L	Fliger No. 2	391	(D) 6	280	270	260	235	230	195	165	165
Larntz, Charles (Larntz Coal Co.)	Larntz	3024	(D) 6	280	270	260	235	230	195	165	165
PERRY COUNTY											
Hoy, Wm.[1]	Hoy No. 2	401	(D) 6	280	270	260	235	230	195	165	155
Sherrick Coal Company (W. F. Sherrick, Jr.)	Sherrick No. 2	420	(D) 6	280	270	260	235	230	195	165	155
SUB-DISTRICT NO. 7—JACKSON											
JACKSON COUNTY											
Buckeye Coal Co. (John Booth)	Booth	396	(D) 4	295	285	275	250	245	195	175	165
VINTON COUNTY											
B. H. S. Coal Co. (C. M. Bethel)	B. H. S	405	(S) 4	295	285	275	250	245	195	165	155
Cartwright, Roy	R. C	3026	(S) 7	295	285	275	250	245	195	165	155
Chambers & Hensler (Warren Chambers)	C & H	407	(D) 4	295	285	275	250	245	195	175	165
Holtz, John	Holtz No. 3	418	(D) 4	295	285	275	250	245	195	175	165
SUB-DISTRICT NO. 8—POMEROY											
MEIGS COUNTY											
Thomas Fork Coal Co. (R. T. West)	#7A	419	(D) 8A	295	285	275	250	245	195	140	140

(D)—Indicates deep mine
(S)—Indicates strip mine.

[1] Erroneously listed in subdistrict No. 5 instead of subdistrict No. 6 in Docket No. A-1428.

[F. R. Doc. 42–5840; Filed, June 22, 1942; 11:51 a. m.]

[Docket No. A-1471]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: June 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																														
								For destinations other than Great Lakes																			For Great Lakes cargo only												
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
5573	Harlan-Wallins Coal Corporation	No. 6	No. 6	2	Marne No. 1, Ky.	L&N	80	M J	M J	K H	J G	F D	D C	D C	B A	C A	F B	-- --	-- --	C A	C A	C A	C A	M J	M J	K H	F D	C A	C A	D C	M J	F B	-- --	C A	C A	C A	C A
5574	Ruth-Elkhorn Coals, Incorporated	Guest River	Taggart	7	Addington, Va.	Inter	200																															

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 2—HARLAN											
HARLAN COUNTY, KY.											
Harlan-Wallins Coal Corporation	No. 6	5573	No. 6	265	245	225	220	210	215	175	170
SUBDISTRICT NO. 7—VIRGINIA											
WISE COUNTY, VA.											
Ruth-Elkhorn Coals, Incorporated	Guest River	5574	Taggart	280	260	235	230	215	225	195	190

[F. R. Doc. 42-5841; Filed, June 22, 1942; 11:52 a. m.]

[Docket No. A-1460]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 9.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: June 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Producer	Mine	Seam	Freight origin group	Shipping point	Railroad
1010	Forty One Coal Co., The (W. B. Dozier).	Forty One Coal Co	9	30	Morton	L&N.
892	Midway Mining Co. (Paul Rideout)	Possum Hollow	6	30	Empire Mine	L&N.

The f. o. b. mine prices for coal shipped by Mine Index Nos. 1010 and 892 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.: 1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	26, 27	28, 29
BUTLER COUNTY																
Cardwell, Roy I	1007	Roy I. Cardwell	Stray	235	225	215	175	170	160	160	150	140	110	50	120	115
HOPKINS COUNTY																
Forty One Coal Co., The (W. B. Dozier).	1010	Forty One Coal Co	9	205	195	185	175	170	160	160	150	140	110	50	120	115

[F. R. Doc. 42-5839; Filed, June 22, 1942; 11:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Amendment 2 to Priorities Regulation 11]

PRODUCTION REQUIREMENTS PLAN

Priorities Regulation No. 11[1] (§ 944.32) is hereby amended as follows:

Pararaph (d) (1) (iii) is amended by inserting before the first semicolon in the second sentence thereof, the following words:

"or any previous PRP Certificate and not yet received", so that said sentence will read as follows:

* * * Each PRP Unit, immediately upon receipt of its PRP Certificate, shall cancel or reduce its outstanding purchase orders calling for delivery within the quarter covered by such Certificate to the amount of its actual requirements as rated or otherwise authorized on such Certificate or any previous PRP Certificate and not yet received: *Provided, however,* That no person shall be required to cancel any order calling for delivery in the third quarter of 1942 of any metal in any form included on the attached metals list, if the producer thereof certifies in writing to such person that substitution of other orders is impossible and that cancellation would disrupt the producer's production schedules and result in diminished production; in such case delivery may be accepted under such order without regard to the restrictions of paragraph (d) (1) (ii).

Pararaph (e) is amended to read as follows:

(e) *Interim procedure for Class I producers.* Any Class I producer who is not in default in filing his PRP Application but has not received his PRP Certificate may apply or extend preference ratings for delivery during the third quarter of 1942 as follows:

(1) If he has been operating under the Production Requirements Plan, he may apply the same preference ratings he was authorized to apply during the second quarter of 1942 to not more than 40% of the amount of each material which he has indicated on his PRP Application as his anticipated requirements for the third quarter.

(2) If he has not been operating under the Production Requirements Plan, he may continue to apply and extend ratings under any applicable preference rating orders or preference rating certificates in the same manner as permitted prior to July 1, 1942; and, notwithstanding the termination of any preference rating order on or after June 30, 1942, the same shall be deemed to continue in effect as to any such person until he receives his PRP Certificate: *Provided, however,* That he shall not apply or extend ratings to the delivery in the third quarter of 1942 of any material in an aggregate quantity greater than 40% of the amount of such material which he has indicated as his anticipated requirements on his PRP Application for that quarter, subject to any further restrictions contained in the preference rating certificates or orders assigning the ratings which he is applying or extending.

(3) A Class I producer who applies or extends any preference rating pursuant to subparagraphs (1) or (2) of this paragraph (e), shall deduct the amount of any material which he has received or to which he has applied or extended such rating from the amount rated or otherwise authorized by his PRP Certificate when issued to him. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5861; Filed, June 23, 1942; 10:41 a. m.]

PART 966—VANADIUM

[General Preference Order M-23-a, as Amended June 23, 1942]

Section 966.2 *General Preference Order M-23-a*[1] is hereby amended to read as follows:

§ 966.2 *General Preference Order M-23-a, as amended, June 23, 1942*—(a) *Definition.* For the purpose of this order:

(1) "Vanadium" means and includes:

(i) Ores and concentrates containing vanadium (commercially recognized), vanadium pentoxide. and other vanadium compounds for further purification or refining;

(ii) The element vanadium in pure form, ferro-vanadium, and all chemical or other combinations of the element vanadium with other materials in manufactured or semimanufactured form, prepared either for further processing or for other purposes;

(iii) All scrap or secondary material containing commercially recoverable vanadium as defined in (i) and (ii) above, excluding vanadium bearing iron and steel scrap.

(b) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(c) *Restrictions on melting or processing.* Hereafter, no person shall melt or otherwise process vanadium except pursuant to approval of his melting schedule under the provisions of Supplementary Order M-21-a,[2] or pursuant to specific authorization by the Director of Industry Operations.

(d) *Restrictions on deliveries.* Hereafter, no person shall deliver or accept delivery of vanadium except as specifically authorized by the Director of Industry Operations. The Director of Industry Operations will from time to time allocate the supply of vanadium and specifically direct the manner and quantities in which deliveries to particular persons and for particular purposes shall be made or withheld. The Director may also require any person seeking to place a purchase order for vanadium to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction to all defense requirements of the United States, both direct and indirect, and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

(e) *Applications for vanadium.* Unless otherwise ordered by the Director of Industry Operations, no person shall be entitled to receive an allocation of vanadium unless, not later than the 20th day of the month next preceding the month in which delivery is desired he shall have applied therefor to the War Production Board on Forms PD-209A (Schedules 1 and 2) and PD-209B, or such other forms as may be from time to time prescribed by said Board, and shall have filed with any supplier with whom he places a purchase order for vanadium a copy of Form PD-209B: *Provided, however,* That, subject to all the other provisions, restrictions and limitations of this order and until further order by the Director of Industry Operations, any person may receive deliveries during any calendar month up to but not exceeding an aggregate of 10 pounds contained vanadium without filing the forms prescribed pursuant to this paragraph.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Communications to War Production Board.* All reports to be filed hereunder, appeals and other communications concerning this order, shall, unless otherwise directed, be addressed to the Tungsten, Vanadium Branch, War Production Board, Washington, D. C., Reference: M-23-a. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R.

[1] 7 F.R. 4423, 4615.

[1] 6 F.R. 6647.

[2] 6 F.R. 4784, 5995, 6646; 7 F.R. 3478.

527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23rd day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5860; Filed, June 23, 1942; 10:41 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

[Supplementary Limitation Order L-1-G]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of rubber, steel, chromium, nickel and other critical materials required for the production of truck-trailers for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 976.17 *Supplementary Limitation Order L-1-G*—(a) *Definitions.* For the purposes of this order:

(1) "Truck trailer" means a complete semi-trailer or full trailer having a load-carrying capacity of 10,000 pounds or more, as authorized by the manufacturer thereof, and designed exclusively for the transportation of property, or the chassis therefor, but does not include third-axle attachments whether dead or power-driven.

(2) "Passenger carrier" means a complete motor or electrical coach for passenger transportation, having a seating capacity of eleven (11) or more persons, or the chassis or body therefor.

(3) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of truck-trailers.

(b) *Prohibition of production of truck-trailers after June 30, 1942.* Except to the extent that production is permitted under paragraph (c) below, effective July 1, 1942, producers of truck-trailers shall not manufacture any such vehicles, irrespective of the provisions of any order heretofore issued by the War Production Board or of the terms of any contract heretofore or hereafter entered into by any such producers.

(c) *Exceptions in favor of War Agencies.* Nothing in this order shall prevent any producer from manufacturing and delivering truck-trailers pursuant to contracts or orders for delivery to or for the account of the following:

(1) The Army or Navy of the United States or the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and protectorates, and Yugoslavia;

(3) Any agency of the United States Government, for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act)

(d) *Passenger carrier production under Limitation Order L-101.*[1] As of the date of issue of this order the production of passenger carriers shall in no way be regulated by this order, but shall in all respects be regulated and controlled by General Limitation Order L-101, issued May 21, 1942.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Reports.* All persons affected by this order, shall execute and file with the War Production Board such report and questionnaires as the Board shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the War Production Board.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal for relief by addressing a letter to the Director of Industry Operations, Ref.: L-1-G, Washington, D. C., setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Communications.* All communications concerning this order shall unless otherwise directed, be addressed to: War Production Board, Automotive Branch, Washington, D. C. Ref.: L-1-G. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-5858; Filed, June 23, 1942; 10:40 a. m.]

[1] 7 F.R. 3806.

PART 978—UTILITIES—MAINTENANCE, REPAIR AND SUPPLIES

[Extension 1 and Amendment 1 to Preference Rating Order P-46 amended to March 26, 1942]

Section 978.1[1] is hereby amended as follows:

Paragraph (a) (1) is hereby amended to read as follows:

(a) *Definitions for the purpose of this order:* (1) "Producer" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories or possessions, engaged in, or constructing facilities for the purpose of engaging in, one or more of the following services, and includes any such producer whether or not such producer has applied the preference rating herein assigned, and also includes any such individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the Dominion of Canada, to whom and in whose name, a copy of this order has been specifically issued:

(i) Supplying electric power directly or indirectly for general use by the public.

(ii) Supplying gas, natural or manufactured, directly or indirectly for general use by the public.

(iii) Supplying water directly or indirectly for general use by the public.

(iv) Supplying public sanitation services, but not including manufacturers of public sanitation products.

(v) Supplying central steam heating directly or indirectly for general use by the public.

Paragraph (b) is hereby amended to read as follows:

(b) *Assignment of preference rating.* Subject to the terms of this order the following preference ratings are hereby assigned:

(1) *Producers.* (i) A-2 to deliveries, to a producer, of material which is required by him for the maintenance and repair of production and pumping plant facilities, and to deliveries of operating supplies for such facilities.

(ii) A-5 to deliveries, to a producer, of material required by him for the maintenance and repair of all other facilities, and to deliveries of operating supplies for such facilities.

[1] 7 F.R. 2348.

(iii) Subject to the provisions of paragraph (e) (2), deliveries, to a producer, of material required by him for the construction of transmission, switching and distribution facilities necessary to serve new projects bearing a rating of A–5 or better, or to serve new equipment the delivery of which is rated A–5 or better, are assigned the same rating as is assigned to such new project or to the delivery of such new equipment; except that where such project or such new equipment is assigned two or more ratings and both or all of these are A–5 or better, such deliveries to a producer are assigned the lowest rating which is assigned to such new project or equipment.

(iv) Subject to the provisions of paragraph (e) (2), A–5 to deliveries, to a producer, of material required by him for protection against sabotage, air raids, or other hostile acts, provided such protection is directed by an authorized federal or state agency.

(v) On or after July 1, 1942, A–1–c to deliveries, to a producer, of material required by him for repair of an actual break-down of existing facilities, or to make reasonable advance provisions for such repair, provided that such A–1–c rating shall not be applied to more than 30 per cent of the material within any class which could be scheduled for delivery in each calendar quarterly period under the provisions of paragraph (f) of this order.

(2) *Suppliers.* The same preference rating is assigned to deliveries, to any supplier, of material required for any of the purposes specified in paragraph (b) (1) or to be physically incorporated in such material so required by the producer, as is assigned to such deliveries by paragraph (b) (1).

Paragraph (e) (2) is hereby amended to read as follows:

(e) (2) In addition to the requirements of paragraph (e) (1), a producer, in order to apply the preference rating assigned by paragraphs (b) (1) (iii), and (b) (1) (iv), or in order to withdraw material from stores or inventory for the purposes specified in said paragraphs, must, unless otherwise directed, communicate with the Power Branch, War Production Board, Washington, D. C., Ref: P–46, supplying in detail the following information or such other information as may from time to time be required.

(i) Description of the project to be built by the producer, including a print of proposed line construction, showing size of wire, or pipe, capacity of transformers, and other information relevant thereto.

(ii) Relation to military needs, war production, public health or safety.

(iii) Copy of customer's preference rating certificate or order, and, in case of materials rated under paragraph (b) (1) (iv), copy of order of federal or state agency.

(iv) Whether service can be rendered in any other way, or by any other producer, with use of smaller quantities of critical materials.

(v) Cost of materials.

(vi) Total cost of producer's project.

(vii) List of materials required for the construction, including the weight of copper or steel required.

The Director of Industry Operations will notify the producer whether and to what extent the application is approved. A copy of such notification shall be furnished by the producer to any supplier to evidence the proper rating granted pursuant to the provisions of this order.

Paragraph (f) (3) (ii) (*b*) is hereby amended to read as follows:

(*b*) The cost of materials for the work order, job or project is less than $1500 in case of underground construction and $500 in the case of other jobs: *Provided, however,* That no single work order, job or project shall be subdivided into parts to come below these limits, and *Provided,* That in no event shall lines be extended for the connection of new consumers except in the case of extensions not exceeding 250 feet to buildings which were wired or piped ready to receive service prior to July 1, 1942, or, in the case of new construction, where the foundation under the main part of the structure was completed prior to July 1, 1942.

Paragraph (f) (6) is hereby amended to read as follows:

(6) The provisions of this paragraph (f) shall not apply to material obtained through the application of the ratings assigned in paragraphs (b) (1) (iii) or (b) (1) (iv), or to material withdrawn from stores or inventory for the purposes specified in said paragraphs; and the provisions of paragraphs (f) (1), (f) (2) and (f) (3) (i) shall not apply to fuel, water purification chemicals, wooden poles or wooden crossarms.

Paragraph (l) is hereby amended to read as follows:

(l) *Expiration date.* This order shall continue in effect until September 30, 1942, unless sooner revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23rd day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–5859; Filed, June 23, 1942; 10:40 a. m.]

PART 1046—SUPPLIERS

[Exemption 5 to Suppliers' Inventory Limitation Order L–63]

§ 1046.8 *Exemption 5 to Suppliers' Inventory Limitation Order L–63.*[1] (a) Pursuant to paragraph (b) (6) of Suppliers' Inventory Limitation Order L–63 as amended, the Director of Industry Operations hereby exempts from the provisions of said order, the types of material set forth in paragraph (b) of this exemption. Accordingly, it is not necessary for suppliers to include in the monthly record and report required by paragraph (e) of said Order L–63, those materials set forth in paragraph (b) hereof. Also, the inventory limitations imposed by paragraphs (b) (1) and (b) (2) of said Order L–63, are not applicable to said materials but are applicable to other materials falling within the definition of supplies in said order.

(b) This exemption is applicable to the following materials:

Portland and natural cement, lime, gypsum and gypsum products, bituminous roofing materials, concrete pipe, cut stone, sand and gravel, crushed stone, clay products, insulation board, accoustical materials, mineral wool, paving materials, concrete products, glass, lumber, wooden mill work.

This exemption shall take effect immediately and shall continue in effect until amended or revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–5857; Filed, June 23, 1942; 10:40 a. m.]

[1] 7 F.R. 2630, 3081, 3390, 3662, 3878, 4480.

PART 1084—CANNED FOODS

[Conservation Order M–172]

IMPORTED CANNED BEEF

Correction

The section designated as § 1084.1, appearing on page 4649 of the issue for Tuesday, June 23, 1942, should have appeared as § 1084.10.

Chapter XI—Office of Price Administration

PART 1340—FUEL

[Amendment 7 to Maximum Price Regulation 120[1]]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

DISTRICT 11—PRICE GROUPS 5 AND 10

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Maximum prices established for Price Groups 5 and 10 under § 1340.222 (b) (1) are amended to read as set forth below:

§ 1340.222 *Appendix K: Maximum Prices for Bituminous Coal Produced in District No. 11.* * * *

(b) * * *

(1) Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transpor-

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404.

tation, except as otherwise specifically provided in this appendix:

For shipment from all mines in price groups shown below	Prices and size group Nos.								
	*	17	18, 19, 20	*	23	24	25	*	34
*	*	*	*	*	*	*	*	*	*
No. 5	*	230	230	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*	*
No. 10	*	190	190	*	190	175	145	*	165
*	*	*	*	*	*	*	*	*	*

§ 1340.211a *Effective dates of amendments.* * * *

(h) Amendment No. 7 (§ 1340.222 (b) (1)) to Maximum Price Regulation No. 120 shall become effective June 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 22d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5850; Filed, June 22, 1942; 4:47 p. m.]

PART 1303—ZINC

[Maximum Price Regulation 166]

ZINC OXIDES

Correction

The reference to § 1303.12 in § 1303.201 (a) appearing on page 4585 of the issue for Friday, June 19, 1942, should read "§ 1303.212."

PART 1381—SOFTWOOD LUMBER

[Maximum Price Regulation 26]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

Corrections

In § 1381.62 (a) (2) (i) appearing on page 4574 of the issue for Friday, June 19, 1942, the figure for "9' and shorter" should be "2.00" instead of "1.00." In paragraph (5) on page 4578 the word "next" is not printed clearly. In the table of maximum prices for Douglas fir ponton lumber, page 4579, the specification number for "Balk, ponton" for the 25 ton model should read "T-1057" instead of "T-1557." The last item in the table headed "Fir Switch Ties and Cross Ties Longer Than 8' Rough," page 4581, should read "8'' x 8''—8' 6'' to 17', No. 2, par. 207 ____ 20." The box-head which reads "Sel. truct." in the table headed "The following charges are for all lengths," page 4581, should read "Sel. struct." In paragraph (4) (i), first column of page 4582, the figure for "all grades 1 and 2" should read "$5.00 per M" instead of "$6.00 per M."

Chapter XV—Board of War Communications[1]

[Order No. 10]

PART 1709—ABANDONMENT OR SUSPENSION OF WIRE COMMUNICATION FACILITIES

NOTICE REQUIRED

Whereas, The Board of War Communications (herein called the Board) has determined that the national security and defense and successful conduct of the war demand that the Government have knowledge of certain proposed abandonments or suspensions by telephone and telegraph companies;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 9089 of March 6, 1942, governing the use, control, supervision, inspection or closure of facilities for wire communication by the Department of War, Department of Navy or other agency of the United States Government;

It is hereby ordered, That:

§ 1709.1 *Notice required for abandonment or suspension of facilities.* (a) No telephone company shall:

(1) Abandon all or any portion of a toll line, whether intrastate or interstate, or;

(2) Suspend local service operations in an exchange area, or;

(3) Abandon all or any portion of a rural subscriber line affording the sole means of service to a community.

(b) No telegraph company shall abandon:

(1) All or any portion of a telegraph trunk line whether intrastate or interstate, or;

(2) Any branch or main office; unless such telephone or telegraph company shall first have given written notice to the Federal Communications Commission of such proposed abandonment or suspension, in accordance with such regulations as said Commission may prescribe, at least thirty days before such abandonment or suspension.

(c) The Federal Communications Commission shall promptly bring all such notices to the attention of the Chief Signal Officer of the Army and the Director of Naval Communications.

Subject to such further order as the Board may deem appropriate. (E.O. 9089, 7 F.R. 1777)

Board of War Communications.

JAMES LAWRENCE FLY,
Chairman.

Attest: June 18, 1942.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 42-5878; Filed, June 23, 1942; 11:26 a. m.]

[1] Name of Defense Communications Board changed to Board of War Communications, E.O. 9183, 7 F.R. 4509.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Explosives and Other Dangerous Articles

PART 75—REGULATIONS APPLYING TO SHIPPERS[1]

Because of the present emergency and until further order of the Commission, additions to the said regulations of section 110 (a) (20) and of shipping container specifications Emergency–USG–A, Emergency–USG–B, and Emergency–USG–C are hereby authorized, to provide for transportation of gasoline for the armed forces or for commercial shipments, in additional types of tank car tank for the construction and use of which amendments including detailed specifications are incorporated herein and made part hereof, such shipments to be in accordance with said regulations as amended herein: *Provided,* That all effective car construction and safety appliance requirements are observed: *Provided further,* That this authority shall apply only to the shipments herein specified, shall be effective on and after the date of service of this authority, and shall remain in effect until further order of the Commission: *And, provided further,* That in all respects and for all shipments, except only those made under this authority, the aforesaid regulations herein modified be and shall remain in full force and effect.

(Add) section 110 (a) (20): Because of the present emergency and until further order of the Commission, the use of additional type tank cars, specifications Emergency–USG–A, USG–B, and USG–C, is also provided for by I.C.C. authority in docket 3666 dated June 15, 1942, for shipment of gasoline.

APPENDIX—SHIPPING CONTAINER SPECIFICATIONS

SPECIFICATIONS EMERGENCY–USG–A, USG–B, USG–C

RIVETED, FUSION-WELDED, OR COMBINED RIVETED AND FUSION-WELDED, RESPECTIVELY, STEEL TANKS TO BE MOUNTED ON OR TO FORM PART OF A CAR

A. *General requirements.* Wherever the word "approved" is used in these specifications it means approved by the Association of American Railroads' Committee on Tank Cars as prescribed in Section E, Part 1 of these regulations—General Information and Regulations.

Specification effective June 15, 1942

1. *Type.* (a) Tanks built under these specifications must be cylindrical, with single-compartment barrel section constructed of four longitudinal strip-mill

[1] Part 3 of the I. C. C. Regulations for transportation of explosives and other dangerous articles.

steel plates having a maximum width of 72 inches, with heads dished convex outward, and must have at least one expansion dome with manhole, and such other external projections as are prescribed herein.

(b) Tanks built under these specifications may be of riveted, fusion-welded, or of combined riveted and fusion-welded construction.

2. *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal seam, must be at least 240 pounds per square inch when tank is of riveted or of combined riveted and fusion-welded construction, and 280 pounds per square inch when tank is of fusion-welded construction.

3. *Material.* (a) All plates for tank and expansion dome must be made of steel meeting U. S. Bureau of Ships Ad Interim Specification 48–S–5 (INT) Grade M having minimum tensile strength of 60,000 pounds per square inch.

(b) All external projections must be made of materials specified hereinafter.

(c) Rivets must be of the same quality as used for steam boilers and other pressure vessels.

4. *Thickness and width of plates.* (a) The minimum thickness of plates, including thickness of each plate at seams, must be as follows:

Inside diameter of tanks (inches)	Bottom sheets (inch)[1]	Shell sheets (inch)	Expansion dome sheets (inch)	Tank heads (inch)	Expansion dome heads (inch)
85¼ or under...	3/8	1/4	1/4	3/8	1/4

[1] Bottom sheet must be adequately reinforced over the bolster slabbing at each end of car in an approved manner.

(c) The minimum width of bottom sheet of tank must be 70 inches, measured on the arc.

5. *Dishing of tank heads.* (a) Tank heads must be of approved contour.

6. *Riveting.* (a) For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. All rivets must be driven hot.

(b) Riveted seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manhole ring, saftey valve flange, and bottom outlet nozzle flange must be single or double riveted. Riveted seams and joints must be made metal to metal without interposition of other material. The efficiency of double-riveted seams must be at least 70 per cent of the strength of the thinnest plate specified in paragraph 4. The efficiency of single-riveted seams must be at least 45 per cent of the strength of the thinnest plate specified in paragraph 4. Use of rivets less than 5/8 inch nominal diameter not permissible on any part of tank or attachments.

(c) *Welding.* Welded joints formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be of double-welded butt joint type fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results.

(d) Manhole ring, safety valve flange, and bottom outlet nozzle flange or other attachments may be riveted or fusion welded. Rivets, if used, must comply with requirements of paragraph 6 (a), 6 (b), 8 (a) and 8 (b). Fusion welding for securing these attachments in place must be of double-welded butt joint type or double full-fillet lap joint type.

7. *Tank mounting.* (a) The manner in which tank is supported on and securely attached to the car structure must be approved.

8. *Preparation for calking, and calking.* (a) The edges of plates at all riveted seams must be beveled so that the angle of the calking edges will be between 60 and 70 degrees with the flat surface of the plate. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus 1/4 inch.

(b) All riveted seams, including those formed by attachment of expansion dome and other external projections, must be calked both inside and outside, except that inside calking of the seam formed by attachment of expansion dome to tank is not required and outside calking of seams formed by attachment of all external projections, except the expansion dome, is not required. Split calking prohibited.

9. *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside dome, of at least 2 per cent of the total capacity of the tank and dome combined, except that when safety valve is applied to side of dome, the effective capacity of dome must be measured from top of safety valve opening in the side of dome to inside top of shell of tank.

(b) The opening in manhole ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches and not more than 30 inches in diameter.

(c) The dome head must be dished convex outward.

10. *Closures for manholes.* (a) The manhole cover must be of approved type, and designed to make it practically impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manhole covers must be made of cast, forged, or pressed steel, malleable iron or other malleable metals. Manhole rings, if riveted to dome of tank, must be made of cast, forged, or pressed steel, malleable iron or other malleable metals. Manhole rings, if welded to dome of tank, must be made of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of dome.

(c) All covers, not hinged to tank, must be attached to outside of the dome head by at least a 3/8-inch chain or its equivalent.

(d) All joints betwen manhole covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

11. *Gauging, bottom outlet valve operating, venting, loading and discharging, and air inlet devices extending through domes of tanks.* (a) Not specification requirements. When installed, these devices, including their valves, must be protected from accidental injury by being set into a securely covered recess, or by means of a cast or pressed steel or malleable iron housing with cover securely attached. Housing, if welded to dome of tank, must be made of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of dome. Openings in wall of housing must be equipped with screw plugs or other closures. Drain holes permitted. Discharging (siphon) pipe must be securely anchored.

12. *Venting, loading and discharging, and air inlet devices.* (a) These devices, when installed, must be closed by efficient valves made of metal not subject to rapid deterioration by the lading. Provision must be made for closing the pipe connections of the valves.

13. *Bottom discharge outlets.* (a) The bottom discharge outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved construction, and be provided with a valve at its upper end and a liquid-tight closure at its lower end.

(b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating of valve due to stresses or shocks incident to transportation.

14. *Safety valves.* (a) The tank must be equipped with two safety valves mounted on expansion dome. Total valve discharge capacity must be sufficient to prevent building up of pressure in the tank in excess of 45 pounds per square inch.

(b) Each safety valve must be set to open at a pressure of 25 pounds per square inch. (For tolerance see paragraph 18.)

15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means.

16. *Plugs for openings.* (a) All plugs must be solid, of good grade cast iron or equivalent, with standard pipe thread, and when in contact with lading must be of a length which will screw at least six threads inside the face of fitting or tank. Plugs when inserted from the outside of tank heads must have the letter "S" at least 3/8 inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid. Plugs when inserted from the inside are identified by appearance of the plug on the outside of

the tank as being solid—therefore, no mark is required.

17. *Tests of tanks.* (a) Each tank must be tested, before being put into service, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100° F. during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves, must be in place while test is made.

(b) Calking of fusion-welded joints to stop leaks developed during the foregoing tests prohibited. Repairs to fusion-welded joints must be made as prescribed in paragraph 6 (c).

18. *Tests of safety valves.* (a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 20 pounds pressure. (See Note sec. 31 (k) of Interstate Commerce Commission's regulations.) The valve must open at the pressure prescribed in paragraph 14 (c), with a tolerance of plus or minus 3 pounds.

19. *Retests of tanks.* (a) Tanks must be retested as prescribed in paragraph 17 before being returned to service after any repairs requiring fusion-welding, and after any repairs requiring extensive riveting or calking. Reports must be rendered as prescribed in paragraph 21.

20. *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(b) Emergency USG–A, when of riveted construction; Emergency USG–B, when of fusion-welded construction; or, Emergency USG–C, when of combined riveted and fusion-welded construction, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the tank in letters and figures at least 2 inches high by the party assembling the completed car.

(c) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped mark specified in paragraph 20 (b).

(d) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in paragraph 20 (c) by the party assembling the completed car. These marks must also be stenciled on the tank in letters and figures at least 2 inches high immediately below the stenciled mark specified in paragraph 20 (b) by the party assembling the completed car.

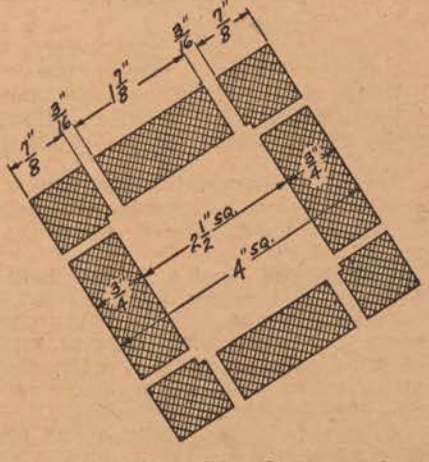
(e) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank.

(f) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank.

(g) Identification mark, illustrated herein, for approved manhole closure must be stenciled on each side of dome, in line with the ladders and in a color contrasting to color of dome.

(h) Tanks built under this specification must be stenciled "Gasoline Only" on each side of the tank, in letters at least 2 inches high, immediately above the stenciled marks specified in paragraph 20 (b).

21. *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment therefor from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.



Manhole Closure Identification Mark
(Reduced size)

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after the date of approval hereof, and shall be observed until the further order of the Commission;

And it is further ordered, That copies of this order be served upon all the parties of record herein and that notice be given to the public by posting in the Office of the Secretary of the Commission at Washington, D. C.

(Sec. 233, 41 Stat. 1445; 18 U.S.C. 383; and sec. 204 (a) (2), Part II, Interstate Commerce Act)

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42–5848; Filed, June 22, 1942; 11:19 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1325]

SUBDISTRICT 4 OF DISTRICT 13

MEMORANDUM OPINION AND ORDER GRANTING FURTHER TEMPORARY RELIEF

In the matter of the petition of Bituminous Coal Consumers' Counsel for the establishment of the same price classifications and minimum prices for the coals produced at mines in Subdistrict 4 of District 13 for shipments by river as are applicable to such coals for truck shipments, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The above-entitled proceedings were instituted on February 17, 1942, by an original petition filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Bituminous Coal Consumers' Counsel ("Consumers' Counsel"). Petitioner requested that the price schedules for Subdistrict 4 of District 13 be amended to permit coal shipments via the Tennessee River at the same price f. o. b. the mine as are now applicable for shipment by truck from this subdistrict. By a Memorandum Opinion and Order Granting Temporary Relief in this matter on May 11, 1942, the Division established minimum prices for coals produced in Subdistrict 4 of District 13 for shipments by barge on the Tennessee River to the Huntsville Arsenal and the Red Stone Ordnance Plant in Market Area 118.

Prior to the filing of the original petition in this proceeding, Consumers' Counsel had instituted a proceeding in behalf of the Tennessee Valley Authority, Docket No. A–1238, for the establishment of prices for the coals of Subdistrict 4 of District 13 for shipments by river to the Steam Plant at Wilson Dam, in Sheffield, Alabama, Market Area 117. Minimum prices were established for this movement of coal on the Tennessee River by a temporary order entered in Docket A–1238. This temporary relief will by its terms expire on June 30, 1942.

Tennessee River is now navigable for shipments of coal by barge from Chattanooga, Tennessee, to consumers in both Market Areas 117 and 118. The petition in the present proceeding (Docket No.

A–1325) requests that minimum prices be established to permit barge shipments of coal on the Tennessee River. On the motion of the petitioner during the course of the hearing in this matter, joined in by District Board 13 and several code member producers of District 13, the testimony adduced in Docket A–1238 was incorporated by reference into the record in this proceeding.

In view of the fact that the temporary relief establishing minimum prices for the movement of coal to the Wilson Dam Steam Plant of the Tennessee Valley Authority expires on June 30, 1942, the original petitioner, Consumers' Counsel, moved on May 22, 1942 that another temporary order be issued in this proceeding to effect a continuance of the temporary relief granted in Docket A–1238. Although, as already indicated, temporary relief for the movement of coal by river to the Wilson Dam Steam Plant was first granted in Docket A–1238, the scope of the petition, as well as the scope of the hearing, in this docket is broad enough to permit the granting of further temporary relief here requested.

Upon the basis of the record in this proceeding, a reasonable showing has been made of the necessity of the further relief requested by the original petitioner. This relief is needed to prevent interruption in the shipments of coal via river to the steam plant at Wilson Dam. In view of wartime power requirements of the industries served by the Tennessee Valley Authority, it is highly essential that the Authority's supply of fuel be adequate at all times.

The temporary order now in effect in Docket A–1238 set a base price of $2.85 per ton f. o. b. the barge. This base price was subject to an intervening transportation charge from the mines to the loading wharves on the river of 60 cents per ton and to a loading charge of 10 cents per ton. This resulted in an f. o. b. mine price of $2.15 per ton. For the purposes of this relief, it appears desirable to fix a minimum price of $2.15 f. o. b. the mine to enable the coal to deliver into the barges at $2.85 per ton. While this requires a change in the form of the order, it effects no change in the price.

Now, therefore, it is ordered, That temporary relief, pending final disposition of this proceeding, is hereby granted by adding to the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments (at page 24, thereof; Subdistricts 3 and 4 subsections) the following Price Exception:

Any code member producer whose mine is located in Subdistrict 4 and which mine is located within a radius of 30 miles of river loading facilities at South Pittsburg, Tennessee, or any mine which is located within a radius of 30 miles of river loading facilities at Chattanooga, Tennessee, may ship by truck run of mine (Size Group No. 7) coal from such mine to river loading facilities at South Pittsburg or Chattanooga, Tennessee, for shipment by river to the piers or wharves serving the Wilson Dam, Alabama, steam plant of the Tennessee Valley Authority, in Market Area 117, at a minimum price of not less than $2.15 f. o. b. the mine;

Provided, however, That when code member producers sell or transport such coal to the South Pittsburg or Chattanooga loading facilities by truck, whether owned or controlled by them, independent or otherwise, for delivery to the Wilson Dam, Alabama, steam plant of the Tennessee Valley Authority, in Market Area 117, they *may,* if the actual transportation costs exceed 60 cents per net ton, reduce the effective minimum price f. o. b. the mine of $2.15 by an amount no greater than the excess of such costs over said 60 cents; and they *shall,* if the actual transportation costs are less than 60 cents per net ton for such shipment, add to the effective minimum price f. o. b. the mine of $2.15, an amount not less than the difference between said 60 cents and their actual costs of transportation.

And it is further ordered, That jurisdiction is reserved to enter such further order or orders as are found necessary in the premises.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be deemed to constitute a ruling or expression of the Acting Director's view concerning the final disposition of this proceeding or the nature of the relief which may hereafter be granted.

Dated: June 22, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–5862; Filed, June 23, 1942; 10:48 a. m.]

[Docket No. A–1482]

DISTRICT BOARD 5

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 5 for revision of size group classifications for the mines in District No. 5.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on July 23, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 18, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 5 requesting a revision of the Schedules of Effective Minimum Prices for District No. 5 for All Shipments Except Truck and for Truck Shipments by (1) the elimination therefrom of the following classifications: Size Groups 3, 6, 8, 10, 13, 15, 16, 18, and 19; and (2) the renumbering of the other size groups.

Dated: June 22, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–5863; Filed, June 23, 1942; 10:50 a. m.]

[Docket No. B–271]

RICHARDS & SANFORD

NOTICE OF AND ORDER FOR HEARING

In the matter of Belmont Richards and George Sanford, individually and as co-partners, doing business under the name and style of Richards & Sanford, code member.

A complaint dated May 27, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on June 1, 1942, by the Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Belmont Richards and George Sanford, individually and as Co-Partners doing business under the name and style of Richards & Sanford, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on July 31, 1942, at 10 a. m., at a hearing room of the Bituminous Coal

Division at the Franciscan Hotel, Albuquerque, New Mexico.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code Member as follows:

That the Code Member, whose address is Holbrook, Arizona, whose code membership became effective as of May 29, 1941, and who operated the Stallings Mine, Mine Index No. 128, located in San Juan County, New Mexico, Subdistrict No. 8 of District No. 18, sold subsequent to May 29, 1941, coal produced at the aforesaid mine, including the sales during the period May 29, 1941 to June 25, 1941, both dates inclusive, to various purchasers of approximately 234 net tons of lump coal, passed over a 2½" bar screen (Size Group No. 1) at a price of $3.00 per net ton, f. o. b. said mine, whereas at the time of said transactions, prices, temporary or final, had not been established for Size Group No. 1 coal produced at said mine, resulting in violations of Order of the Director entered in General Docket No. 19, dated October 9, 1940.

Dated: June 22, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5864; Filed, June 23, 1942; 10:50 a. m.]

[Docket No. B-262]

G. W. ROSE COAL CO.

ORDER POSTPONING HEARING

In the matter of G. W. Rose, doing business under the name and style of G. W. Rose Coal Company, Code Member.

The above-entitled matter having been heretofore scheduled for hearing on July 1, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the United States District Court Room, Federal Building, Bluefield, West Virginia; and

Said code member, having on June 10, 1942, filed with the Division application for disposition of this proceeding without formal hearing pursuant to § 301.132 of the Rules of Practice and Procedure; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order.

Dated: June 22, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5865; Filed, June 23, 1942; 10:50 a. m.]

[Docket No. B-195]

GERARD AND RUMPLE

ORDER RESETTING HEARING

In the matter of Frank Gerard and Heston Rumple, individually and as copartners, doing business under the name and style of Gerard and Rumple, Code Member.

The above-entitled matter having come on for hearing on April 20, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division (the "Division") at the Post Office Building, Terre Haute, Indiana, before Joseph D. Dermody, Trial Examiner, and the presiding Examiner having continued the hearing herein for the purpose of taking additional testimony to a time and place to be thereafter designated by Order of the Division; and

It appearing to the Acting Director that such hearing should be resumed and that the time and place of such hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter heretofore continued, be resumed at 10 a. m. on July 29, 1942, at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana, before Joseph D. Dermody, Trial Examiner.

Dated: June 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5866; Filed, June 23, 1942; 10:50 a. m.]

[Docket No. B-266]

E. D. RAFFERTY

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on December 18, 1941, by Bituminous Coal Producers Board for District No. 9, a district board complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by E. D. Rafferty (the "code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on July 27, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Owensboro, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Di-

vision at its Washington Office or with any one of the statistical bureaus of the Division, with twenty (20) days after date of service thereof on the code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the code member in the Code or directing the code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above-named code member as follows:

By selling, during the months of July and August, 1941, to Daviess County Board of Education, Owensboro, Kentucky, for delivery to its Sutherland, West Louisville, Utica, and Snyder schools, approximately 254.36 tons of 1½" lump coal, Size Group No. 6, produced at his mine (Mine Index No. 253), located in Daviess County, Kentucky, District No. 9, at a price of $1.75 per ton, delivered to the above-mentioned schools, at distances of approximately two to seven miles from said mine, whereas the effective minimum price established for such coal was $1.70 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments. Said code member failed to add to the said effective minimum price f. o. b. the mine, an amount not less than the estimated actual cost, arrived at in a reasonable manner, of transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation), from the transportation facilities at the mine to the points from which all such charges were assumed and directly paid by the purchaser, as required by Price Instruction No. 5, as amended, and contained in Supplement No. 1 to the aforesaid Schedule, resulting in sales of bituminous coal below the effective minimum established therefor in violation of section 4, Part II (e) and (g) of the Act and Part II (e) and (g) of the Code.

Dated: June 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5867; Filed, June 23, 1942; 10:51 a. m.]

[Docket No. B-268]

GOULD ROAD COAL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of Arthur Pipo, doing business under the name and style of Gould Road Coal Company, Code Member.

A complaint, dated May 22, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on May 28, 1942, by the Bituminous Coal Producers Board for District No. 4, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Arthur Pipo, doing business under the name and style of Gould Road Coal Company, code member (the "code member"), of the Bituminous Coal Code (the "Code") or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on August 1, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Common Pleas Court Room, Steubenville, Ohio.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division within twenty (20) days after date of service thereof on the code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the code member in the Code or directing the code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above-named code member as follows:

That said Arthur Pipo, doing business under the name and style of Gould Road Coal Company, code member, whose address is Steubenville, Ohio, and whose code membership became effective as of December 15, 1937, operating the Gould Road Mine, Mine Index No. 652, located in Jefferson County, Ohio, District No. 4, sold during the period December 16, 1940, to May 31, 1941, both dates inclusive, approximately 800 tons of 1¼" slack coal, produced at the above-named mine, for truck shipment to McCauslen Florist, situated near Steubenville, Ohio, a distance of approximately 6.3 miles from the mine, at a truck delivered price of $2.00 per net ton, whereas the effective minimum price for said coal was $2.00 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments, to which there should have been added the actual cost of transporting and handling from the facilities at the mine to the point from which all such costs were assumed and directly paid by the purchaser, resulting in violations of section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code, and Price Instruction No. 6 as amended and contained in said Schedule.

Dated: June 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5868; Filed, June 23, 1942; 10:51 a. m.]

[Docket No. B-269]

MIKE MARTORANO

NOTICE OF AND ORDER FOR HEARING

1. Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code"), and the rules and regulations of the Division (the "Division").

2. The Division, on February 17, 1942, referred to District Board No. 17 information in its possession bearing on whether or not violations of the Act, the Code, orders, and rules and regulations thereunder have been committed by Mike Martorano, the Code member above-named (hereinafter referred to as the "Code member"), who operates the Martorano Mine, Mine Index No. 331, located

in Subdistrict 7 of District No. 17, Las Animas County, Colorado, in connection with:

(a) Sales subsequent to September 30, 1940, of coal produced at said mine, below the effective minimum price established therefor in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments, including a substantial amount of various sizes of coal sold to various purchasers during the period from October 2, 1940 through October 24, 1940, as set forth below:

Date of sale	Tons	Size group	Sales price	Effective minimum f. o. b. mine price
Oct. 2, 1940	2.1	7	$3.40	$3.65
Oct. 2, 1940	4.9	6	1.85	3.75
Oct. 4, 1940	15.6	17	2.65	3.40
Oct. 8, 1940	10.0	17	2.50	3.40
Oct. 10, 1940	2.1	4	3.40	4.00
Oct. 16, 1940	19.3	4	3.40	4.00
Oct. 19, 1940	3.2	4	3.40	4.00
Oct. 23, 1940	5.2	4	3.40	4.00
Oct. 24, 1940	4.8	17	3.25	3.40

resulting in violations of section 4 Part II (e) of the Act and Part II (e) of the Code.

(b) Sales and delivery of coal produced at said mine for truck shipment, subsequent to September 30, 1940, at prices below the effective minimum established therefor, in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments, including a substantial amount of various sizes of coal delivered during the period from November 2, 1940, through October 31, 1941, to various purchasers at Sopris and Trinidad, Colorado, located at distances of approximately five and nine miles from said mine, respectively, at the delivered prices, set forth below, without adding to the applicable minimum f. o. b. mine prices therefor, as set forth below, amounts at least equal as nearly as practicable to the actual cost of truck transportation from said mine to the delivery points, as required by Price Instruction No. 14, contained in Supplement No. 1 to said Schedule:

Date of sale	Tons	Size group	Delivered sales price	Effective minimum f. o. b. mine price	Destination
Nov. 2, 1940, through Nov. 7, 1940	3.0	3	$3.75	$4.00	Sopris, Colo.
Nov. 19, 1940, through Oct. 22, 1941	136.70	5	3.85	3.75	Sopris, Colo.
Dec. 11, 1940, through Oct. 18, 1941	40.20	5	3.85	3.75	Trinidad, Colo.
Sept. 30, 1941	52.49	13	2.20	2.00	Trinidad, Colo
Nov. 30, 1940, through June 30, 1941	192.81	13	2.20	2.25	Trinidad, Colo.
Nov. 30, 1940, through Aug. 22, 1941	40.91	17	3.50	3.40	Sopris, Colo.
Nov. 13, 1940, through Oct. 31, 1941	228.94	17	3.50	3.40	Trinidad, Colo.

resulting in violations of section 4 Part II (e) and (g) of the Act and Part II (e) and (g) of the Code.

3. By letter dated April 18, 1942, the Division notified said Board that unless it took action in this matter, the Division would take such action in lieu of the Board as it deemed it to be appropriate.

4. District Board No. 17 has not taken any action in this matter.

5. Section 6 (a) of the Act provides in part that in the event a district board shall fail for any reason to take action authorized or required by this section then the Division may take such action in lieu of the district board.

6. District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act, for the purpose of determining:

(a) Whether or not the Code member has wilfully violated section 4 Part II (e) and (g) of the Act and Part II (e) and (g) of the Code;

(b) Whether or not in the event that the Code member is found to have violated the Act and the Code and the rules and regulations thereunder, an order should be entered revoking the Code membership of Mike Martorano, Code member, or directing said Code member to cease and desist from violating the Act, the Code and rules and regulations thereunder.

It is hereby ordered, That a hearing pursuant to sections 4 II (j), 5 (b) and 6 (a) and other pertinent provisions of the Act, be held on July 28, 1942, at 10 a. m. at a hearing room of the Division at the District Court Room, Post Office Building, Denver, Colorado, to determine whether or not the aforementioned Code member has committed the violations in the respects heretofore described and whether or not the Code membership of said Code member should be revoked or an order should be entered directing the Code member to cease and desist from violating the Act and the Code and rules and regulations of the Division thereunder.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons or entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the statistical bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the charges specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: June 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5869; Filed, June 23, 1942; 10:51 a. m.]

[Docket No. B-274]

EDWARDSVILLE COAL CO., INC., CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 3, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on June 6, 1942, by the Bituminous Coal Producers Board for District No. 10, a District Board complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Edwardsville Coal Co., Inc., (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on July 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Coronado Hotel, St. Louis, Missouri.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement

at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

I. By selling, subsequent to November 26, 1940, for truck delivery, coal produced by said code member whose address is Marine Road, Edwardsville, Illinois, at its mine bearing Mine Index No. 1041, located in Madison County, Illinois, below the effective minimum price for said coal, including sales to various purchasers during the period from October 28, 1941, to November 21, 1941, of approximately 88.8 net tons of 1¼" x ½" nut coal, Size Group No. 10, at a price of $1.05 per net ton f. o. b. the mine, whereas the effective minimum price for said coal is $1.45 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments, resulting in violations of section 4 II (e) of the Act and Part II (e) of the Code.

II. By selling and delivering by truck, subsequent to November 26, 1940, coal produced at the aforesaid mine at prices below the effective minimum prices for said coal, plus the transportation charges, handling charges or incidental charges from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchasers, including the following transactions:

The sale and delivery during the period from October 7, 1941 to November 6, 1941, both dates inclusive, of approximately 158.40 net tons of 1¼" x ½" nut coal, Size Group No. 10, to the County of Madison, Illinois, delivered to the County Jail at Edwardsville, Illinois, at the effective minimum f. o. b. mine price of $1.45 per net ton for said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments, to which minimum price there should have been added an amount of 50 cents per net ton paid by the code member to L. Leitner, a trucker, for hauling the coal from the transportation facilities of the mine to the County Jail, as required by Price Instruction No. 5 as amended and contained in Supplement No. 1 to the aforesaid schedule, resulting in violations of section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code.

III. By selling subsequent to November 26, 1940, coal produced at the aforesaid mine below the effective minimum price therefor and allowing discounts on such coal although the purchaser was not a duly registered distributor, including sales during the period from January 3, 1941 to November 10, 1941, both dates inclusive, to M. J. Dickman, an independent trucker, of approximately 260.03 tons of 1¼" x ½" nut coal, Size Group No. 10, at $1.05 per net ton f. o. b. the mine less an unauthorized discount of 25 cents per net ton, whereas the effective minimum price for said coal is $1.45 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments, resulting in violations of section 4 II (e) of the Act and Part II (e) of the Code and Rule 1 of section III of the Marketing Rules and Regulations.

IV. By falsely recording on its sales tickets sizes of a portion of the coal referred to in paragraphs I, II, and III hereof as 1¼" x ⅜" nut coal and 1¼" x 0 screenings, resulting in violations of section 4 II (i) 8 of the Act, Part II (i) 8 of the Code and Rule 8 of section XIII of the Marketing Rules and Regulations.

Dated: June 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5870; Filed, June 23, 1942; 10:52 a. m.]

[Docket No. 1855-FD]

DAVID JOPLING

ORDER DISMISSING COMPLAINT AND DISCONTINUING MATTER

In the matter of David Jopling (Code Member), Defendant.

Bituminous Coal Producers Board for District No. 12, complainant in the above-entitled matter, having, by motion filed June 5, 1942, moved the Acting Director to dismiss the complaint herewith without prejudice to the filing of a new complaint on the same or additional charges; and

The Acting Director deeming it advisable to grant said motion, good cause therefor having been shown;

Now, therefore, it is ordered, That the complaint in the above-entitled matter be, and it hereby is, dismissed without prejudice to the filing of a new complaint; and

It is further ordered, That the above-entitled matter be, and it hereby is, discontinued.

Dated: June 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5871; Filed, June 23, 1942; 10:52 a. m.]

Bureau of Reclamation.

GENERAL INVESTIGATIONS, COLORADO-UTAH

AMENDMENT TO FIRST FORM RECLAMATION WITHDRAWAL

MAY 23, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: By departmental order of May 6, 1942, certain lands described therein were withdrawn from public entry under the first form of withdrawal as provided in section 3, Act of June 17, 1902 (32 Stat. 388), in connection with General Investigations, Colorado-Utah.

There was inadvertently omitted at the heading of page six of the said withdrawal order of May 6, 1942, the following:

DEWEY RESERVOIR SITE
6TH PRINCIPAL MERIDIAN, COLORADO

and it is therefore recommended that the said order be amended, to be effective as of May 6, 1942, by inserting the above-cited omission at the heading of page six, directly preceding the following described township and range: Township 10 South, Range 103 West.

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur: May 26, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

E. K. BURLEW,
First Assistant Secretary.

JUNE 1, 1942.

[F. R. Doc. 42-5847; Filed, June 22, 1942; 1:14 p. m.]

General Land Office.

OREGON

AIR NAVIGATION SITE WITHDRAWAL NO. 181 AND MODIFICATION OF GRAZING DISTRICT NO. 5

It is ordered, Under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729; 49 U.S.C. 214, that the following-described public land in Oregon be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air navigation facilities:

WILLAMETTE MERIDIAN

T. 16 S., R. 13 E.,
Sec. 3, NW¼SW¼ and W½NE¼SW¼, 60 acres.

And, so far as it affects the above-described land, the departmental order of October 21, 1935, creating Oregon Grazing District No. 5, is hereby modified and made subject to the withdrawal effected by this order.

HAROLD L. ICKES,
Secretary of the Interior.

JUNE 13, 1942.

[F. R. Doc. 42-5855; Filed, June 23, 1942; 10:00 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

CALIFORNIA AND ARIZONA ORANGES

FILING OF REPORT ON PROPOSED MARKETING AGREEMENT

Notice of filing of report of Administrator, Agricultural Marketing Administration, in connection with proposed marketing agreement and order regulating the handling of oranges grown in the State of California or in the State of Arizona.

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (6 F.R. 6571), as amended (7 F.R. 3350), notice is hereby given that the Administrator of the Agricultural Marketing Administration, United States Department of Agriculture, has filed on the 23d day of June 1942, with the hearing clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., his report with respect to a proposed marketing agreement and a proposed order regulating the handling of oranges grown in the State of California or in the State of Arizona, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*). Any interested person may file exceptions thereto and a brief in support of such exceptions, as provided by the aforesaid rules of practice and procedure, which exceptions and briefs must be filed with the said hearing clerk not later than fifteen days after publication of this notice in the FEDERAL REGISTER.

Copies of the said report (including the proposed order) may be secured from the hearing clerk, Office of the Solicitor, Room 0312, South Building, United States Department of Agriculture, Washington, D. C., or at the office of the United States Department of Agriculture, Fruit and Vegetable Branch, Room 405, 704 South Spring Street, Los Angeles, California.

[SEAL] ROY F. HENDRICKSON,
Administrator.

Dated: June 23, 1942.

[F. R. Doc. 42-5877; Filed, June 23, 1942; 10:55 a. m.]

Farm Security Administration.

HOLMES COUNTY, MISSISSIPPI

LOCALITIES DESIGNATED FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VI—MISSISSIPPI

Holmes County: Locality I—Consisting of beats 4 and 5; $8,175. Locality II—Consisting of beats 1, 2, and 3; $1,607.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved June 17, 1942.

[SEAL] G. B. BALDWIN,
Administrator.

[F. R. Doc. 42-5876; Filed, June 23, 1942; 10:55 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5790]

POINT PLEASANT WATER & LIGHT CO. AND APPALACHIAN ELECTRIC POWER COMPANY

NOTICE OF APPLICATION

JUNE 22, 1942.

Notice is hereby given that on June 22, 1942, a joint application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by Point Pleasant Water & Light Co., a corporation organized under the laws of the State of West Virginia and doing business in said State, with its principal business office at Point Pleasant, West Virginia, and Appalachian Electric Power Company, a corporation organized under the laws of the Commonwealth of Virginia, doing business in the States of Virginia, West Virginia and Tennessee, with its principal business offices at Roanoke, Virginia, Charleston, West Virginia, and Kingsport, Tennessee, seeking an order authorizing the purchase by Appalachian Electric Power Company, and sale by the Point Pleasant Water & Light Company, of all of the electrical facilities of the latter, located in or contiguous to the towns of Ashton, Point Pleasant, Hartford, Mason City, Henderson, New Haven, West Columbia, Letart and intervening territory, in Mason County, and in or contiguous to the towns of North Ravenswood, Ravenswood, and Sandyville, and intervening territory, in Jackson County, all in the State of West Virginia, for a consideration stated in the application to be $379,000.00 in cash, subject to certain adjustments as of the closing date of said transaction; or, in the alternative, seeking an order or ruling that such authorization is not necessary; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application, should, on or before the 9th day of July, 1942, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-5879; Filed, June 23, 1942; 11:51 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Docket No. 1120-47-P]

PACIFIC COAST COAL COMPANY

PRICE ADJUSTMENT AGREEMENTS PERMITTED

Order No. 14 under Maximum Price Regulation No. 120[1]—Bituminous coal delivered from mine or preparation plant.

Granting permission to Pacific Coast Coal Company to agree to adjust prices upon deliveries made during the pendency of the protest in accordance with the disposition thereof.

On May 27, 1942, Pacific Coast Coal Company, Foot of Main Street, Seattle, Washington, filed a protest pursuant to the provisions of the Emergency Price Control Act of 1942 against § 1340.233 (b) of Maximum Price Regulation No. 120. Pending consideration of the protest, and for the reasons set forth in an Opinion which has been issued simultaneously herewith and has been filed with the Division of the Federal Register, permission is hereby granted to protestant to enter into adjustable pricing contracts to the extent hereinafter set forth. For the reasons set forth in the Opinion, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Effective May 27, 1942, Pacific Coast Coal Company may enter into agreements (as to bituminous coal shipped by truck or rail from its Black Diamond Mine (Mine Index 32) located

[1] 7 F.R. 3168, 3447, 3901, 4336, 3432, 4404.

at Black Diamond, Washington, in Subdistrict E of District 23) with the purchasers of its bituminous coal to adjust prices upon deliveries made during the pendency of the protest in accordance with the disposition of the protest.

(b) This Order No. 14 may be revoked or amended by the Price Administrator at any time and, in any event, is to be effective only to the date of final disposition of the protest by the Price Administrator.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(d) This Order No. 14 shall become effective the 27th day of June, 1942.

Issued this 22d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5851; Filed, June 22, 1942; 4:48 p. m.]

[Docket No. 3055-2-E]

SECOND HAND BAGS

REVOCATION OF ORDER

Order Revoking Order No. 1[1] Under Revised Price Schedule No. 55[2]—Second Hand Bags.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Order No. 1 (§ 1330.51) under Revised Price Schedule No. 55—Second Hand Bags, is revoked.

(b) This order revoking Order No. 1 (§ 1330.51) under Revised Price Schedule No. 55—Second Hand Bags, is issued and effective this 22d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5852; Filed, June 22, 1942; 4:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 30-87]

PEOPLES LIGHT AND POWER CO., TRUSTEES FOR CLASS A COMMON STOCK

NOTICE OF FILING AND ORDER FOR HEARING

In the matter of W. H. Duff, Henry A. Erhard, Gerald P. Kynett, M. Harry Taylor, John M. Taylor, voting trustees under Voting Trust Agreement dated February 9, 1938 for Class A Common Stock of Peoples Light and Power Company.

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Philadelphia, Pa., on the 20th day of June, A. D. 1942.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by W. H. Duff, Henry A. Erhard, Gerald P. Kynett, M. Harry Taylor and John M. Taylor, Voting Trustees under Voting Trust Agreement dated February 9, 1938 for Class A Common Stock of Peoples Light and Power Company, a registered holding company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The said voting trustees have filed an application pursuant to section 5 (d) of said Act for an order declaring they have ceased to be a holding company. The application states that said Voting Trust Agreement was terminated on April 1, 1941; and that thereafter 52,027 shares of Voting Trust Certificates out of a total of 62,520 shares of Class A Common Stock were exchanged for Certificates for said shares, and that the 10,493 shares which have not been exchanged and are at present on deposit under the Voting Trust Agreement represent less than 8% of the voting power of all securities of Peoples Light and Power Company.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, and that said application shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on July 8th, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such application shall be granted. Notice is hereby given of said hearing to the above-named applicants and to all interested persons, said notice to be given to said applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER. It is requested that any person desiring to be heard or to be admitted as a party in said proceeding shall file a Notice to that effect with the Commission on or before July 3, 1942.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5846; Filed, June 22, 1942; 1:14 p. m.]

[File No. 811-41]

GENERAL AMERICAN INVESTORS COMPANY, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of June, A. D. 1942.

An application having been filed by General American Investors Company, Inc. pursuant to section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting the applicant to redeem on August 1, 1942 all of its outstanding 3½% debentures due 1952, pursuant to the provisions of the indenture dated as of the first day of February, 1941, between the applicant and Guaranty Trust Company of New York, trustee;

It is ordered, That a hearing on the aforesaid application be held on June 25, 1942 at ten o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5845; Filed, June 22, 1942; 1:14 p. m.]

[File No. 70-565]

THE UNITED GAS IMPROVEMENT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22nd day of June, 1942.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The United Gas Improvement Company; and

Notice is further given that any interested person may, not later than July 6, 1942, at 5:30 P. M., E. S. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of

[1] 7 F.R. 1756.
[2] 7 F.R. 1312.

his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declarations or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

The United Gas Improvement Company proposes to advance $454,000, with interest at 3% per annum, to The Philadelphia Gas Works Company (hereinafter referred to as "Gas Company"), its wholly-owned subsidiary, which in turn proposes to expend a like amount, in connection with its operation (through a lease arrangement) of the municipal gas properties and facilities owned by the City of Philadelphia. It is represented that such funds are to be used for additions to existing plant and distribution facilities required for industries manufacturing war materials and for Government Housing Projects. It is anticipated that the amount so advanced, together with interest thereon, will be included in the expenses of operating the said municipal gas properties and will be recovered by the Gas Company and in turn by The United Gas Improvement Company through charges in the price of gas over a period not exceeding five years.

Sections 10 and 12 (b) of the Act have been designated as being applicable to the above transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5856; Filed, June 23, 1942; 10:00 a. m.]

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